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Showing Animals Respect and Kindness, Inc., and
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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

SHOWING ANIMALS RESPECT AND
KINDNESS, INC., an Illinois nonprofit
corporation; and ANIMAL PROTECTION AND
RESCUE LEAGUE, INC., a California nonprofit
corporation,

CASE NO. 37-2019-00039538-CU-BT-CTL

**VERIFIED COMPLAINT FOR
ILLEGAL BUSINESS PRACTICES IN
VIOLATION OF THE UNFAIR
COMPETITION LAW**

Plaintiffs,
vs.

[Bus. & Prof. §§ 17200 et seq.]

PRO RODEO PRODUCTIONS OF POWAY,
INC., a California corporation; POWAY
VALLEY RIDERS ASSOCIATION, INC., a
California corporation; SALT RIVER RODEO
COMPANY, LLC, an Arizona limited liability
company; PROFESSIONAL RODEO
COWBOYS ASSOCIATION, INC., a Colorado
corporation; and DOES 1-10,

Defendants.

1 Plaintiffs SHOWING ANIMALS RESPECT AND KINDNESS, INC. and ANIMAL
2 PROTECTION AND RESCUE LEAGUE, INC., on behalf of themselves and the general public, allege
3 as follows against Defendants PRO RODEO PRODUCTIONS OF POWAY, INC., a California
4 corporation; POWAY VALLEY RIDERS ASSOCIATION, INC., a California corporation; SALT
5 RIVER RODEO COMPANY, LLC an Arizona limited liability company; PROFESSIONAL RODEO
6 COWBOYS ASSOCIATION, INC., a Colorado corporation; and DOES 1-10:

7 **INTRODUCTION**

8 1. Plaintiffs brings this private attorney general action under Business and Professions Code
9 § 17200 (the “Unfair Competition Law” or “UCL”) on their behalf and on behalf of the general public.
10 Plaintiffs seek no different or greater relief for themselves than for the general public in this action.

11 2. Defendants are in the business of operating the annual Poway Rodeo in Poway,
12 California (the “RODEO.”) In doing so, Defendants have been illegally shocking tame horses while they
13 are in the chutes just prior to releasing them into the rodeo arena with a rider on top, in order to cause
14 the horses to buck wildly, giving these tame, domesticated horses the appearance of being wild,
15 “bucking broncos.”

16 3. The Poway Rodeo is scheduled to take place again September 27 and 28, 2019. Plaintiffs
17 seek a temporary restraining order, preliminary injunction, and permanent injunction to enjoin
18 Defendants and their agents from illegally shocking horses in violation of Penal Code § 596.7(e), which
19 requires a rodeo to “ensure that no electric prod or similar device is used on any animal once the animals
20 is in the holding chute”

21 4. Plaintiffs also seek a temporary restraining order, preliminary injunction, and permanent
22 injunction to enjoin Defendants and their agents from illegally shocking horses in violation of Poway
23 Municipal Code § 6.24.010(B), which prohibits the use of electric prods or shocking devices, and
24 provides, “In no event shall any such device be used on an animal while in a chute or immediately prior
25 to entering a chute.”

26 **PARTIES**

27 5. Plaintiff SHOWING ANIMALS RESPECT AND KINDNESS, INC. (“SHARK”) is a
28 non-profit corporation duly formed and validly existing under Illinois law. SHARK’s mission is to

1 expose and eliminate animal cruelty. The illegal acts of Defendants have caused SHARK to divert
2 organizational resources from its core activity of protecting animals and has instead caused SHARK to
3 focus these resources on investigating, exposing and seeking to stop Defendants' unlawful activities.

4 6. ANIMAL PROTECTION AND RESCUE LEAGUE, INC. ("APRL") is a non-profit
5 corporation duly formed and validly existing under California law. APRL's mission is to expose and
6 eliminate animal cruelty. The illegal acts of Defendants have caused APRL to divert organizational
7 resources from its core activity of protecting animals and has instead caused APRL to focus these
8 resources on investigating, exposing and seeking to stop Defendants' unlawful activities.

9 7. On information or belief, Defendant PRO RODEO PRODUCTIONS OF POWAY, INC.
10 is a California corporation with headquarters in San Diego County and is a producer of the RODEO.

11 8. On information or belief, Defendant POWAY VALLEY RIDERS ASSOCIATION, INC.
12 is a California corporation with headquarters in San Diego County and is the facility owner of the
13 RODEO.

14 9. On information or belief, Defendant SALT RIVER RODEO COMPANY, LLC is an
15 Arizona limited liability company with headquarters in Arizona and is the stock contractor for the
16 RODEO.

17 10. On information or belief, Defendant PROFESSIONAL RODEO COWBOYS
18 ASSOCIATION, INC. ("PCRA") is a Colorado corporation with headquarters in Colorado and
19 describes itself as the sanctioning body for the RODEO. PRCA states on its website that "the PRCA is
20 committed to maintaining the highest standards in the industry in every area, from improving working
21 conditions for contestants and monitoring livestock welfare."

22 11. Plaintiffs do not know the true names and capacities of the defendants named in this
23 action as DOES 1-10, and therefore, sue them under fictitious names. Plaintiffs will request permission
24 to amend this complaint, or substitute the Doe Defendants via a court-approved form, to state the true
25 names and capacities of these fictitiously named Defendants when it ascertains them. Plaintiffs allege
26 that these fictitiously named Defendants are legally responsible in some manner for the acts set forth
27 below, and accordingly, are liable for the relief requested.

JURISDICTION AND VENUE

12. This Court has personal jurisdiction over each of the Defendants because each either is domiciled in, or is authorized or registered to conduct, or in fact does conduct, substantial business in California.

13. This Court has subject matter jurisdiction over the claims asserted herein because relief is sought under California Business and Professions Code §§ 17200 *et seq.*

14. Venue is proper in this county because the acts and omissions upon which this action is based occurred in this county.

STATUTORY FRAMEWORK

15. California’s Unfair Competition Law (“UCL”), Business & Professions Code sections 17200 *et seq.*, prohibits businesses from engaging in unlawful, fraudulent, or unfair business practices.

16. An action based on Section 17200 to redress an unlawful business practice borrows violations of other laws and treats them as a violation of Section 17200. In other words, a business practice is “unlawful” under Section 17200 when it violates another federal, state or local law. The violated law that serves as a basis for a UCL claim is referred to as a “predicate” law.

17. California Business and Professions Code §§ 17203 and 17204 allow private parties who have lost money or property to ask a court to enjoin unlawful business practices.

STATEMENT OF FACTS

18. On information or belief, Defendants own, operate, and/or manage the RODEO.

19. At the 2018 RODEO, Plaintiff SHARK documented, with video, agents of Defendants shocking horses in the chutes just prior to releasing them into the rodeo arena with riders on them, in order to cause the domesticated horses to buck wildly for the amusement of RODEO attendees and to challenge the rider to stay on the horses' backs.

20. Defendants' agents used a hand-held device called a "hot-shot," which emits 5,000 volts of electricity across two metal prongs.

21. The manufacturer of the hot-shot, Miller Manufacturing, specifically states on the label that it is never to be used on horses, and has stated in writing that it should never be used in a rodeo setting. The device is intended for specific situations involving large cows and pigs.

1 22. Screenshots from SHARK's video of one of Defendants' agents shocking horses at the
2 2018 RODEO are below:





23. SHARK also documented other of Defendants' agents shocking horses in chutes at the 2018 RODEO. These were not isolated incidents, but rather standard operating procedure for Defendants in operating and/or managing the RODEO.

24. SHARK and APRL brought this illegal activity to the attention of San Diego Humane Society (“SDHS”), the enforcement agency with jurisdiction to enforce animal cruelty laws at the RODEO. However, SDHS declined to take action.

25. SHARK has incurred financial costs and diversion of organizational resources as a result of Defendants' acts in a number of ways, including: (a) investigating Defendants' illegal acts; (b) researching laws and ordinances applicable to these illegal acts; (c) determining appropriate responses to these illegal acts; and (d) engaging in numerous contacts with SDHS in attempt to encourage SDHS to take action to curb these illegal acts.

26. APRL has incurred financial costs and diversion of organizational resources as a result of Defendants' acts in a number of ways, including: (a) investigating Defendants' illegal acts; (b) researching laws and ordinances applicable to these illegal acts; (c) determining appropriate responses to these illegal acts; and (d) engaging in numerous contacts with SDHS in attempt to encourage SDHS to take action to curb these illegal acts.

27. In investigating Defendants' illegal acts, researching appropriate responses, and seeking enforcement action from SDHS regarding these illegal acts, SHARK and APRL diverted organizational resources from their core mission of advocating for animals and thereby suffered economic injury as a result of Defendants' illegal acts.

FIRST CAUSE OF ACTION

(Illegal Business Practices in Violation of the

Unfair Competition Law, Bus. & Prof. §§ 17200 et seq.)

28. Plaintiff realleges and incorporates by reference the allegations in each of the preceding paragraphs of this Complaint.

29. Defendants have engaged in acts or practices that constitute unfair competition, as that term is defined in section 17200 *et seq.* of the California Business & Professions Code.

30. Specifically, Penal Code § 596.7(e) provides, “The rodeo management shall ensure that no electric prod or similar device is used on any animal once the animal is in the holding chute, unless necessary to protect the participants and spectators of the rodeo.”

31. Poway Municipal Code § 6.24.010(B) prohibits the use of electric prods or shocking devices at rodeos and provides, “In no event shall any such device be used on an animal while in a chute or immediately prior to entering a chute.”

32. Defendants have violated, are violating, and plan to continue to violate Business & Professions Code §§ 17200 *et seq.* through their unlawful business acts and practices, which violate Penal Code § 596.7 and Poway Municipal Code § 6.24.010(B).

PRAYER FOR RELIEF

Wherefore, Plaintiffs prays for judgment against Defendants as follows:

1. For a temporary restraining order, preliminary injunction, and permanent injunction enjoining Defendants and their principals, members, agents, officers, employees, representatives, co-conspirators, and all person acting in concert, collaboration or participation with them during the pendency of this action and permanently thereafter, from using any electric prod or similar device on any animal in a holding chute or immediately prior to entering the holding chute;

2. For reasonable attorneys' fees as provided by, *inter alia*, Code Civ. Proc. § 1021.5, and for costs of suit incurred herein.

3. For pre- and post-judgment interest.

4. For such other and further relief as the Court deems just and proper.

**LAW OFFICES OF BRYAN W. PEASE
SIMON LAW GROUP**

Dated: July 29, 2019

By:

Bryan W. Pease
Parisa Ijadi-Maghsoodi
David R. Simon
Attorneys for Plaintiffs

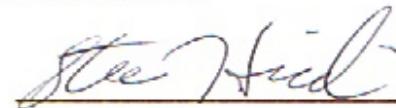
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VERIFICATION

I, Steve Hindi, am the President of Showing Animals Respect and Kindness, a Plaintiff in the above Complaint, and I am familiar with its contents. The same is true of my own personal knowledge, except as to those matters alleged on information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury the foregoing is true and correct.

Dated: July 29, 2019

By:


Steve Hindi